

Frankfort Architectural Review Board

March 21, 2006

Members Present: Andrew Casebier
Dwayne Cook
John Downs
Joe Johnson (4)

Member Absent: Roger Stapleton (1)

There being a quorum, the meeting was called to order by Vice-Chairman Casebier.

A motion was made by John Downs to approve the minutes of the meeting of February 21, 2006 as submitted. The motion was seconded by Dwayne Cook and carried unanimously.

The first item of business was a request from Save the Grand Theatre, Inc., for a Certificate of Appropriateness to allow the installation of a projecting sign and a variance to Article 4, Section 4.248 Central Business District-Sign Regulations to allow an increase in the sign area from 17.5 square feet to 153.90 square feet for property located at 308 St. Clair Street, zoned Central Business District (CB).

Mr. Robert Hewitt, Planning Supervisor, was present for the staff report. Mr. Hewitt stated the City of Frankfort was the recipient of a Renaissance grant which would be used for the reconstruction of the Grand Theatre marquee sign. He added that Save the Grand, Inc., is the subrecipient of the grant. Mr. Hewitt stated the applicant wishes to reproduce the original sign and position it in the same location as depicted in a picture contained in the staff report on page three. Mr. Hewitt stated the proposed sign would be centrally located on the front of the building in the same location as the original sign. Mr. Hewitt added it would project out from the building façade 13 feet 6 inches and include a combination of neon lettering on the vertical portion and changeable copy with a neon band as decorative trim on the horizontal area. Mr. Hewitt stated based on the drawings of the previous sign submitted by the applicant, the previous sign projected approximately 11 feet from the façade of the building; therefore, the proposal would extend an additional 2.5 feet into the public right-of-way.

Mr. Hewitt's staff report stated the following positive findings:

- A. the specific conditions in detail, which are unique to the applicant's land and do not exist on the other land in the same zone: in 1975 the City constructed the pedestrian mall in the 300 block of St. Clair Street in an attempt to renew interest in the downtown area. This area has since been redesigned to allow for vehicular traffic but is often restricted for pedestrian use only during lunch hours and special events. The subject property is centrally located along the west side of the street and visible from

both West Main Street and Broadway Street. St. Clair Street is within the Frankfort Commercial Historic District and a unique area of downtown Frankfort with separate development guidelines identified in the Comprehensive Plan. Many of the buildings constructed within the downtown area are orientated near the street and are often constructed at or on the front property line. The date of construction of the building and proximity to the front property line. He added the date of construction of the building and proximity to the front property line may be deemed unique to the property for which the variance is sought that distinguishes it from other properties in the vicinity and within the Central Business District. However, staff is unable to find circumstances(s) associated with the variance request that are related to the property dimensions, topography or soil conditions.

- C. that the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this zoning regulation: the circumstances relating to the request is not the result of action taken by the applicant. No construction or development activity has taken place that would require the need of a variance.
- D. reasons that the variance will preserve, not harm the public safety and welfare, and will not alter the essential character of the neighborhood: it is not likely that the requested increase in the sign area would harm the public safety or welfare. The Public Works Department has indicated that the applicant's proposal would be acceptable under certain conditions outlined by Jeff Hackbart, Public Works Director. Based on the historical photographs, the installation of the marquee sign at this location may enhance the character of the neighborhood. He added there are other signs projecting into the right-of-way mentioned in the staff report on page three.

Mr. Hewitt stated the only negative finding was the manner in which the strict application of the provision of the zoning regulation would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted over landowners in the same zone. He stated staff has not found that strict application of the provisions of the Zoning Ordinance would deprive the applicant of reasonable use or enjoyment of the property. He stated the sign regulations contained in Article 4, Section 4.248 of the Zoning Ordinance would not prohibit the applicant from installing a sign on the front of the building. However, it does not appear that the current regulations will allow for the replication and installations of the previous historic marquee without the granting of relief from current regulations.

Mr. Hewitt stated the applicant has filed with the Planning Commission for a waiver to allow external illumination of the sign and for it to project into the public right-of-way. The request is scheduled for April 13.

Mr. Hewitt stated staff recommended approval of the Certificate of Appropriateness with the following conditions: a waiver is granted by the Planning

Commission to allow internal illumination of the sign and to allow it to project into the public right-of-way; all conditions proposed by the City Engineer are satisfied prior to installation of the sign; lighting on the sign shall not flash, move, rotate, blink, flicker or vary in intensity or color; documentation shall be submitted by the applicant or sign contractor indicating that the sign would have a vertical clearance of at least 9.5 feet from the sidewalk to the underside of the sign.

Mr. Hewitt stated staff recommended denial of the variance to allow an increase in the area of a marquee sign from 17.5 square feet to 152 square based on the information and analysis of the criteria contained within the report.

Mr. Hewitt requested his verbal and written testimony be entered into the record.

Mr. Bill Cull, President of Save the Grand Theatre, Inc., was present. He submitted a 1946 photograph of the property. He stated they obtained a grant to pay for the sign. He submitted photographs of other Chaekers Theatres showing the colors they were using. Mr. Cull stated on the negative finding the historic character of the Grand to Frankfort included these marquees and were part of the downtown fabric. He added it is needed to advertise their shows but also needed to show visitors that there is even a theatre downtown. He added the front door doesn't look like a theatre. He added they need to have the ability to communicate the Grand to the community. He stated it won't work if they don't know where it is. He stated they don't think they can successfully make it what it should be able to do without the sign request being granted. Mr. Edwin Logan, Board Attorney, asked Mr. Cull if the theatre is not done historically if it could jeopardize future funding. Mr. Cull stated yes; that the City's Renaissance money is to be used for the marquee and future funding could be jeopardized. Mr. Cull stated the House of Representatives has agreed to appropriate \$480,000 for the project. He stated the feasibility issue is difficult if you can't communicate the theatre is there.

Mr. Casebier stated part of what they are trying to do is give people the experience of the Grand in the 40's and 50's and the marquee is essential to that. Mr. Cull agreed and added it was part of the vibrant heritage and this is going to help give that experience and it would be difficult without that feeling. Mr. Downs asked if there would be blinking or flashing lights as mentioned in the staff report. Mr. Cull stated no; they would be florescent lights and they were in agreement with Mr. Hewitt's condition #3 of the staff report.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Cook to issue the Certificate of Appropriateness to allow the sign with the four staff conditions being adhered to. The motion was seconded by Mr. Downs and carried unanimously.

On the variance, a motion was made by Mr. Cook to establish the finding by not having the sign as requested it could jeopardize future grants and funding. The motion was seconded by Mr. Downs and carried unanimously.

A motion was made by Mr. Casebier to establish the finding that reasonable use of the property requires visitors to experience the enjoyment of the historic marquee sign. The motion was seconded by Mr. Johnson and carried unanimously.

A motion was made by Dwayne Cook that findings cease. The motion was seconded by Joe Johnson and carried unanimously.

A motion was made by Dwayne Cook to approve the request based on the two findings of fact and the sign not exceed 160 square feet. The motion was seconded by John Downs and carried unanimously.

The final item on the agenda was a request from Bonnie Henry for a Certificate of Appropriateness and setback determination to allow construction of a building addition on the rear of the structure at 319 Logan Street zoned Special Capital (SC).

Mr. Hewitt stated the proposal is to construct a 350 square foot single story room addition to the rear of the existing single family residence as well as a covered porch, open deck and ramp leading into the rear yard. Mr. Hewitt stated the property is located in the South Frankfort Neighborhood Historic District as depicted in Section 4 of the Comprehensive Plan. He stated that based on the Kentucky Historic Resources Individual Survey Form, located in the Planning department, the estimated date of construction for this home was around the 1900's. He added the structure consists of a mixture of both vinyl and aluminum siding, asphalt shingle roof and concrete block foundation. Mr. Hewitt stated City records indicate that a building permit was issued in July 1987 for an addition to the residence along the south elevation. The site plan associated with the permit indicated an expansion of the existing family room and kitchen.

Mr. Hewitt stated the existing window styles on the structure consist of a combination of 2 over 2, 6 over 6 and 4 over 4 double hung true divided light.

Mr. Hewitt stated on the setback determination that based on field inspections of the subject property and surrounding neighborhood, staff recommended approval of the applicant's request for the following setbacks: North: 7 feet, 6 inches; South: 10 feet, 6 inches; East (rear): 95 feet (approximately).

Mr. Hewitt recommended approval of the Certificate of Appropriateness with the following conditions: the new vinyl siding shall have a 4 inch reveal and match the color of the existing aluminum and vinyl siding; the roof shingles shall match the color and style of the existing roof material.

Mr. Hewitt requested his verbal and written testimony be entered into the record.

Mr. Tom Robinson, Contractor, was present for the applicant. Mr. Logan noted the contractor had power of attorney. Mr. Robinson stated he had nothing to add.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Joe Johnson to approve the request for setbacks as indicated in the staff report and approve the Certificate of Appropriateness with the two staff conditions being met. The motion was seconded by Dwayne Cook and carried unanimously.

As a point of information, Mr. Hewitt informed the Board that the request for historic markers heard last month is on the City Commission agenda for March 27.

A motion was made by Dwayne Cook to adjourn. The motion was seconded by John Downs and carried unanimously.

Chairman

Recording Secretary